

## **MINUTES**

### **South Carolina Real Estate Commission**

**Wednesday, June 21, 2017, 10:00am**

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

#### **Meeting Called to Order:**

Chairman Crigler called the meeting of the South Carolina Real Estate Commission to order at 10:20 a.m. Board members participating in this meeting included:

David Crigler – Chair – 4<sup>th</sup> Congressional District  
Candace Pratt – 1<sup>st</sup> Congressional District  
David C. Lockwood, III, 2<sup>nd</sup> Congressional District  
Andy Lee – 3<sup>rd</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<sup>th</sup> Congressional District  
Tony Cox – 7<sup>th</sup> Congressional District  
Wayne Poplin – At-Large Member  
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Assistant; Gigi Lewis, Office of Advice Counsel; Sharon Cook, Office of Investigations and Enforcement; Rowland Alston, Office of Disciplinary Counsel.

#### **Public Notice:**

Chairman Crigler announced that public notice of this meeting was properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

#### **Pledge of Allegiance:**

The Pledge of Allegiance was recited by all present.

#### **Invocation:**

Invocation was offered by Commissioner Rinehart.

#### **Approval of Absences:**

G. Hamlin O’Kelley – Vice Chair - Public Member

#### **MOTION:**

Mr. Rinehart made a motion to approve the absence of Mr. O’Kelley. Mr. Lockwood seconded the motion, which carried unanimously.

#### **Introduction of Board Members and Staff**

**Approval of Agenda:**

Application Hearing #4 – Cori Lynn Guyer - will be rescheduled. Disciplinary Hearings #1 – Richard Schwartz and #3 – Cathy Herron, are being removed from the agenda. Sharyn Davis will be first and Jenny Cockrell will be second.

**MOTION:**

Mr. Stackhouse made a motion to approve the Agenda, as amended. Ms. Pratt seconded the motion, which carried unanimously.

**Approval of the Meeting Minutes from May 17, 2017**

**MOTION:**

Mr. Rinehart made a motion to approve the minutes of the May 17, 2017 meeting. Ms. Mitchell seconded the motion, which carried unanimously.

**Chairman’s Remarks:**

*David Crigler*

**Administrator’s Remarks:**

*Rod Atkinson*

**1. Licensure Update as of June 14, 2017**

• Broker	5170
• Broker in Charge	7567
• Property Manager	1507
• Property Manager in Charge	1284
• Salesman	23656
• Salesman (Provisional)	1028
<b>TOTAL ACTIVE</b>	<b>40,212</b>
• Inactive Broker	1605
• Inactive Property Manager	593
• Inactive Salesman	5747
<b>TOTAL INACTIVE</b>	<b>7,945</b>

**TOTAL CURRENT LICENSES  
AS OF 6/14/17 48,157**

**2. Budget Update** –The Board reviewed the budget reports for May 2017.

**3. Investigations and Enforcement** – *Sharon Wolfe* presented the Commission with an overview of the opened and closed cases from January 1, 2017 – June 15, 2017, as well as the same time period for the previous year.

**4. IRC Report** - The Commission reviewed the IRC report from June 12, 2017.

**MOTION:**

Mr. Lockwood made the motion to approve the *Dismissal* portion of the IRC report from June 12, 2017. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. Cox made the motion to approve the *Cease & Desist* portion of the IRC report from June 12, 2017. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. Rinehart made the motion to approve the *Formal Complaint* portion of the IRC report from June 12, 2017. Mr. Poplin seconded the motion, which carried unanimously.

**MOTION:**

Mr. Poplin made the motion to approve the *Letter of Caution* portion of the IRC report from June 12, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

5. ODC Report – **Rowland Alston** presented the Commission with the Office of Disciplinary Counsel case load report.
6. Mr. Atkinson gave a summary of the legislative activity currently affecting the Real Estate Commission and industry. Discussion ensued.
7. ARELLO Annual Conference – will be held this year in Honolulu HI, September 20-24, 2017.
8. Task Force Recommendations – *undisclosed Criminal/Discipline*

Commissioner Rinehart gave an update to the Commission on the Task Force meeting and presented recommendations for procedures when a licensee submits an application with criminal background activity not previously disclosed. Discussion ensued.

**MOTION:**

Mr. Rinehart made a motion to accept the procedural recommendations when a licensee submits an application with criminal background activity not previously disclosed, as presented by the task force. Mr. Cox seconded the motion, which carried unanimously.

**NEW BUSINESS**

1. **Individual Branding in compliance with License Law** – Judy Fairchild  
Judy Fairchild addressed the Commission to receive guidance as to whether or not it is permissible for her to brand herself in a name other than the name under which her license is issued. Discussion ensued. The Board recommended that the Broker in Charge, under which Ms. Fairchild is licensed, should apply to open an additional office using the brand name she wishes to market.

**MOTION:**

Mr. Rinehart made a motion to enter Executive Session to receive legal advice. Ms. Mitchell seconded the motion, which carried unanimously.

**MOTION:**

Mr. Cox made a motion to enter Open Session. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. Rinehart made a motion that in regards to individual advertising – an individual can include nicknames in advertising, as long as the legal name is also included (i.e. James (Jim) Smith). Mr. Cox seconded the motion, which carried with a 7/1 vote.

2. **Distance Qualifying Education** – The Commission discussed allowing Fundamental and Advanced real estate courses to be offered as distance learning versus in a classroom setting. Mr. Ken Horner, The CE Shop, addressed the Commission to support the approval of distance learning in these instances.

**MOTION:**

Mr. Lee made a motion not to approve the implementation of online Fundamentals and Advanced real estate courses at this time. Mr. Poplin seconded the motion, which carried unanimously.

**APPLICATION HEARINGS**

*Dustin Johns*

The Commission held a Re-Hearing regarding Dustin Johns' application to take the Broker's exam in South Carolina. Mr. Johns appeared before the Commission to present testimony, and was represented by Micah Leddy, legal counsel. Discussion ensued.

**MOTION:**

Mr. Rinehart made a motion to enter Executive Session to receive legal advice. Mr. Cox seconded the motion, which carried unanimously.

**MOTION:**

Mr. Cox made a motion to enter Open Session. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. Stackhouse made a motion to allow Mr. Johns to take the Real Estate Broker's exam in South Carolina, with the stipulation that he complete a 4 hour Contracts course. Mr. Johns would need to wait a period of three (3) years before applying as Broker in Charge and would be required to re-appear before the Commission before an upgrade would be granted. Ms. Pratt seconded the motion, which was not carried on a 4/5 vote.

**MOTION:**

Mr. Rinehart made a motion to deny Mr. Johns' application to take the Brokers exam in South Carolina. Ms. Mitchell seconded the motion, which carried on a 5/3 vote.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

***Stancil Shelley***

The Commission held a Hearing regarding Stancil Shelley's application to upgrade his license to Broker in Charge. Mr. Shelley appeared before the Commission to present testimony, and was not represented by legal counsel. Chairman Cox recused himself from this hearing. Discussion ensued.

**MOTION:**

Mr. Rinehart made a motion to approve Mr. Shelley's application for Broker in Charge. License will be on probation until March 2018. Mr. Lockwood seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

***Lester Griffin***

The Commission held an Application Hearing regarding Lester Griffin's application to take the Property Manager's exam in South Carolina. Mr. Griffin appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Ms. Pratt made a motion to enter Executive Session to receive legal advice. Mr. Poplin seconded the motion, which carried unanimously.

**MOTION:**

Mr. Rinehart made a motion to enter Open Session. Mr. Lee seconded the motion, which carried unanimously.

**MOTION:**

Ms. Pratt made a motion to approve Mr. Griffin's application to take the Property Manager's exam in South Carolina. Mr. Griffin will be required to work under the supervision of a Property Manager in Charge for one (1) year, and provide documentation from the sponsoring PMIC or BIC, before he will be considered for a Property Manager in Charge license. Ms. Mitchell seconded the motion, which carried on a 5/3 vote.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

***Shelricka Burnside***

The Commission held an Application Hearing regarding Shelricka Burnside's application to take the Sales exam in South Carolina. Ms. Burnside appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Lockwood made a motion to approve Ms. Burnside's application to take the Sales exam in South Carolina. Ms. Pratt seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

## **DISCIPLINARY HEARINGS**

### ***Sharyn Davis***

The Commission held a Disciplinary Hearing regarding Sharyn Davis. Ms. Davis was present and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Alston informed the Commission that the parties have signed a Memorandum of Agreement. The Commission reviewed such agreement and discussion ensued.

### **MOTION:**

Mr. Lee made a motion to enter Executive Session to receive legal advice. Mr. Cox seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Rinehart made a motion to enter Open Session. Mr. Lee seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Lockwood made a motion that the State has met the burden of proof that there are violations of S.C. Code Ann. 1976, as amended 40-57-135 (A) (1); 40-57-135 (A) (4) and 40-1-110 (1) (f) . The state has not met the burden of proof that there were violations of S.C. Code Ann. 1976, as amended 40-57-135 (A) (6); 40-57-135 (B) (1); 40-57-135 (B) (4) (c). A public reprimand will be issued. License will be suspended for a period of two (2) years, stayed, with probation for two (2) years. Mr. Lee seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

Commissioner Cox left the meeting at 4:00 p.m. however, a quorum was maintained.

### ***Jenny Cockrell***

The Commission held a Disciplinary Hearing regarding Jenny Cockrell. Ms. Cockrell was present and was represented by Melissa Spivey, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Ms. Spivey presented a Motion to Dismiss. Mr. Alston requested that the hearing be closed and the record be sealed. Discussion ensued.

### **MOTION:**

Mr. Lee made a motion to enter Executive Session to receive legal advice. Mr. Lockwood seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Stackhouse made a motion to enter Open Session. Mr. Lee seconded the motion, which carried unanimously.

Motion to Dismiss was denied and Hearing continued.

Commissioner Stackhouse left the meeting at 5:00 p.m., however, a quorum was maintained.

**MOTION:**

Ms. Pratt made a motion to enter Executive Session to receive legal advice. Mr. Rinehart seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lockwood made a motion to enter Open Session. Mr. Lee seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lockwood made a motion that this hearing be continued for a later date so that the Respondent's counsel can be given additional time to prepare the documents proposed for admission as Respondent's exhibits. Mr. Poplin seconded the motion, which carried unanimously. The Commission asks that the parties discuss and possibly attempt to come to some agreement on admission of the documents proposed for exhibits.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**MOTION:**

Mr. Lockwood made a motion to adjourn at 5:20 p.m. Mr. Poplin seconded the motion, which carried unanimously.